

Application No: 14/1091N

Location: 535/537, Fircroft, Crewe Road, Wisaston, CW2 6PY

Proposal: Outline application for a proposed detached 2 storey dwelling to the rear of 535 Crewe Road and vehicular access from Crewe Road.

Applicant: Mr N Edwards

Expiry Date: 02-May-2014

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

- Site history;
- Principle of development;
- Impact on the character and appearance of the streetscene;
- Amenity;
- Private amenity space;
- Drainage;
- Landscape;
- Parking and access; and
- Ecology

REFERRAL

This application was to be dealt with under the Council's delegation scheme. However, Councillor Simon has requested that it be referred to Committee for the following reason:-

'Backland development that would have a negative impact on surrounding properties due to its close proximity to them'

SITE DESCRIPTION AND DETAILS OF PROPOSAL

The application forms part of the rear garden of 535 Crewe Road. The proposal is flanked on all sides by residential properties which are 2 storeys high. The area is predominately residential in character and the site is located wholly within Wistaston. This is an outline application for one detached dwellinghouse with all matters reserved apart from scale and access at land to the rear of 535 Crewe Road, Wistaston, Crewe.

PREVIOUS RELEVANT DECISIONS

13/4176N - Outline application for proposed detached two storey dwelling to the rear of 535 Crewe Road and vehicular access from Crewe Road – Refused – 15th January 2014

PLANNING POLICIES

National Policy

The application should be determined in accordance with national guidance set out in:

National Planning Policy Framework

Local Policy

The principle issue surrounding the determination of this application is whether the development is in accordance with the following policies within the Borough of Crewe and Nantwich Replacement Local Plan 2011:

BE.1 (Amenity)
BE.2 (Design Standards)
BE.3 (Access and Parking)
BE.4 (Drainage, Utilities and Resources)
BE.5 (Infrastructure)
BE.6 (Development on Potentially Contaminated Land)
RES.2 (Unallocated Housing Sites)
TRAN.9 (Car Parking Standards)

Other Material Considerations

C & NBC Supplementary Planning Document – Development on Backland & Gardens

Cheshire East Local Plan Strategy - Submission Version

SE1 - Design
SE2 – Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 – The Landscape
SE6 – Green Infrastructure
SE7 – The Historic Environment
SE8 – Renewable and Low Carbon Energy
SE9 – Energy Efficient Development

The above Policies are consistent with the Crewe and Nantwich Local Plan

OBSERVATIONS OF CONSULTEES

Environmental Health: No objections subject to conditions relating to pile foundations, hours of construction, no external lighting.

United Utilities: No objections

VIEWS OF THE PARISH / TOWN COUNCIL:

No objections

OTHER REPRESENTATIONS:

Letters of objection have been received from the occupiers of Orchard House and 10 Herrick Close. The salient points raised are as follows:

- The proposed development would be very close to site boundaries and result in a cramped form of development;
- The proposed property will have a very small rear garden;
- The proposal due to its close proximity will result in an un-neighbourly form of development;
- The proposal fails to identify a window in our property reducing the separation distance to 12.4m;
- The proposed development is garden grabbing;
- The proposal is contrary to advice advocated within the NPPF;
- The development site is residential garden and not brownfield land;
- The proposal will have a detrimental impact with regards to loss of light and privacy;
- The proposal does not sit well within the streetscene and is out of character;
- The proposal will have a detrimental impact on the natural environment;
- The drainage in the area is inadequate and the proposal if approved will exacerbate the problem;
- The proposal will have a detrimental impact on protected wildlife in the locality;
- The proposed development may have a detrimental impact on highway safety as there as already been a number of accidents and an additional drive will exacerbate this issue;
- Loss of amenities to neighbouring properties; and
- Development too big for plot resulting in over cramped appearance

APPLICANT'S SUPPORTING INFORMATION:

Design and Access Statement

A Design and Access statement has been submitted to accompany the application. This is available on the application file and provides an understanding of the proposal and why it is required.

OFFICER APPRAISAL

Site History

A similar proposed development was recently refused on the 15th January 2014 under delegated authority for the following reason:

'In the opinion of the Local Planning Authority the proposed dwelling which would be sited immediately close to the site boundaries would result in an overly cramped form of development to the detriment of the character and appearance of the streetscene. Consequently the proximity of the development to the boundary of the neighbouring property would result in an un-neighbourly and overbearing form of development on the private garden space of that property causing demonstrable harm to the amenity of the occupants of that property. The proposal is therefore considered to be an inappropriate development of a residential garden which is an unsustainable form of development. The proposed development would therefore be contrary to Policies BE.1 (Amenity), BE.2 (Design Standards) and RES.2 (Unallocated Housing Sites) of the Borough of Crewe and Nantwich Replacement Local Plan 2011, guidance contained within the Local Development Framework Development on Backland and Gardens SPD (2008) and guidance contained within the National Planning Policy Framework 2012'.

The current application has been subject to extensive negotiations in order to overcome the reason for refusal.

Principle of Development

The National Planning Policy Framework requires a degree of consistency between Local Plan and those policies within the framework. Where Local Plan Policies are consistent with the Framework greater weight can be given to that Policy.

Within the NPPF there is a presumption in favour of sustainable development. The NPPF seeks to achieve sustainable forms of development through, inter alia, proactively deliver homes where there is an identified need, while seeking to secure high quality design and a good standard of amenity for all existing and future occupants of buildings. Section 6 expands further on delivering high quality homes. Paragraph 48 states that applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 53 states that policies should resist inappropriate development of residential gardens, where the development would cause harm to the local area.

The local plan policy (RES.2) for unallocated residential development requires the consideration of design and amenity. Therefore the principle of residential development in this location is considered to be acceptable in principle provided that the proposed development does not result in any harm to the character and appearance of the streetscene or the amenity of adjoining properties. The Policies in the Crewe and Nantwich Replacement Local Plan 2011 relating to alterations Design and Amenity are considered to be consistent with the presumption in favour of sustainable development at the heart of the NPPF.

The main considerations therefore are whether the proposed development is of appropriate design and would not result in any demonstrable harm to the amenity of adjoining properties or highway safety.

Impact on character and appearance of streetscene

This is an outline planning application with all matters reserved apart from access and scale. The proposal is a two storey detached dwellinghouse which will be located in the rear garden

of 535 Crewe Road, Wistaston. The applicant as part of their submission has submitted an illustrative plan demonstrating how the dwelling could be sited on the plot. The case officer noted that the neighbouring properties are all two storey in height. According to the submitted plans the proposed dwellinghouse will measure approximately 8.2m wide by 7.9m deep (at the widest point including the porch) and is 5.1m high to the eaves and 7.1m high to the highest part of the roof. The plans also indicate that the proposal will could be centrally located within the proposed plot with car parking located to the side and a turning head to the front so that vehicles can enter/leave in a forward gear. It appears from the submitted plans that the footprint of the proposal would be similar to other properties within the local environment. Furthermore, it appears that no. 537 Crewe Road has also constructed a similar property within their rear garden.

Following on from negotiations, the applicant has reduced the footprint of the proposed development from that which was previously refused. It is considered that a dwelling could be accommodated within the applicants curtilage as shown on the indicative layout plans and not result in overly cramped form of development and would not cause demonstrable harm to the character and appearance of the streetscene. The proposed dwelling as indicated on the indicative layout plan is situated well away from the boundaries and does not appear out of place, when read in conjunction with the neighbouring properties.

Overall, it is considered that the proposal as shown on the indicative plan respects the pattern and character of the locality. As previously stated this application is in outline format solely and all matters are reserved (apart from Access and Scale) therefore, details regarding the design of the proposed dwellinghouse will be considered at the reserved matters stage. It is considered that the proposal complies with policy BE.2 (Design Standards) and an acceptable design and layout can be secured at the reserved matters stage.

Amenity

It is considered that the construction of new dwellings within an established predominantly residential area is compatible with surrounding land uses. However, the physical effect of the development upon the amenity of adjacent properties and the future occupiers of the proposed dwelling by reason of overshadowing, overlooking, visual intrusion, odour or in any other way is a key consideration.

It is considered given the location of the proposed development could result in the would result in an un-neighbourly and overbearing form of development on the private garden space of the neighbouring properties causing demonstrable harm to the amenity of the occupants of these properties.

Nevertheless, according to the Councils SPD on Backland Development there should ideally be a distance of 21m between principal elevations and 13.5m between a principal elevation with windows to a habitable room and a blank elevation. According to the submitted illustrative plans there is a distance of approximately 21m from the front elevation of the proposed dwellinghouse to the rear elevation of 535 Crewe Road and a distance of 13.5m from the side elevation (of the proposal) to the front elevation of the detached property (Orchard House) located to the north east of the application site. However, the residents of Orchard House state that there is a window on the rear of their property which has not been identified and the distance between the two properties is approximately 12.4m. It is noted that

there is a small short fall in the separation distances and the boundary treatment (which will be conditioned) will help to alleviate any problems associated with the proposed development. Overall, it is considered that the proposed development will not cause any significant demonstrable harm to the residential amenities of the occupiers of these properties.

Turning to the impact that the proposed development will have on the residential properties located to the rear of the application site on Herrick Close will be marginal. According to the submitted plans the properties on Herrick Close are located to the north of the application site. Furthermore, it is noted that the proposed dwellinghouse is sited well off the common boundary with no. 10 Herrick Close. It is considered that an appropriately designed property will not result any direct overlooking of private amenity space of this property. The indicative plans of the proposed property show a window on the rear elevation at first floor level serving a bedroom which will overlook the drive serving the properties on Herrick Close. The other windows on this elevation (at first floor level) all serve non habitable room windows. Consequently, given the separation distances, juxtaposition and orientation of the properties and boundary treatment will all help to mitigate any negative externalities caused by the proposed development and as such the proposal accords with policy BE.1 (Amenity).

Private Amenity Space/Density

According to the submitted plans the dwellinghouse would have a proportion of private amenity space located to the rear and side. The Supplementary Planning Document 'Development on Backland and Gardens' states at paragraph 3.35 'dwellinghouses should have adequate open space provided; as a general indication/guideline this should be no less than 50m² per dwelling. The 50m² garden area excludes any parking provision which may have been made for the dwelling. The amount of garden area provided should be proportional with the size of the dwelling proposed. There should be sufficient open space provided to enable general activities such as drying of washing, storage of dustbins, play space for small children and sitting outside to take place in a private area'.

It is considered that the proposed indicative layout would not represent an over intensive development of the site in relation to the prevailing pattern and scale of the residential development and due to the amount of provision of external amenity space for the potential occupiers of the site. The amount of private amenity would be in excess of 50m² and would be commensurate with other properties in the immediate locality.

Drainage

Development on sites such as this generally reduces the permeability of at least part of the site and changes the site's response to rainfall. Advice advocated within the NPPF states that in order to satisfactorily manage flood risk in new development, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. It is possible to condition the submission of a satisfactory drainage scheme in order to ensure that any surface water runoff generated by the development is sufficiently discharged. This will probably require the use of Sustainable Drainage Systems (SUDS) which include source control measures, infiltration devices as well as filter strips and swales which mimic natural drainage patterns.

Overall, it is considered that the application is in accordance with policy BE.4 (Drainage, Utilities and Resources).

Landscape

Policy NE.5 (Nature Conservation and Habitats) states that the LPA will protect, conserve and enhance the natural conservation resource. The policy goes on to stipulate in the justification 'Landscape features can be important individually, as well as helping to enrich the character of the landscape. These features should be conserved wherever possible'. This matter will be addressed at the reserved matters stage. If planning permission is to be approved, a condition relating to landscaping of the application site will be attached to the decision notice.

Parking and Access

The application dwelling is located in at the rear 535 Crewe Road and a new access will be formed onto Crewe Road. There is sufficient space to the front of the proposed property to provide for 2 off street parking spaces and a turning head so that vehicles can access/egress the site in a forward gear. The creation of a new access onto Crewe Road is considered to be acceptable and should not result in any considerable harm on highway safety. At the time of writing this report no comments have been received from the Highways Engineers. Once these comments have been received Members will be provided in the update report.

Ecology

At the time of writing this report no comments had been received from the Councils ecologist. Once the comments are received Members will be provided in the update report.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The Local Planning Authority considers that the proposed residential development is an appropriate form of development. The proposed dwelling (as conditioned) would be sympathetic to the surrounding area and would not be harmful to the amenities of neighbouring properties and has provided satisfactory parking provision Therefore the proposed development complies with Policies BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking), NE.5 (Nature Conservation and Habitats) and RES.2 (Unallocated Housing Sites) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and advice advocated within the National Planning Policy Framework.

Approve subject to the following conditions:

- 1) Commencement of Development (Outline)**
- 2) Submission of Reserved Matters**
- 3) Time Limit of Submission of Reserved Matters**
- 4) Remove Permitted Development Rights**
- 5) Access and Scale to be in accordance with the approved plans**
- 6) Car Parking**

- 7) Piling**
- 8) Hours of Construction**
- 9) No External Lighting**

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